REVISED

CITY COUNCIL OF THE CITY OF SAN DIEGO
CLOSED SESSION DOCKET
FOR
MONDAY, JULY 25, 2005
CITY ADMINISTRATION BUILDING
COMMITTEE ROOM – 12TH FLOOR
202 "C" STREET
SAN DIEGO, CA 92101

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NOTE: In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Please see the regular meeting Open Session Agenda to determine when such matters may be heard.**

The City Council will meet in Closed Session after considering public comment for the Closed Session Items scheduled in the Closed Session Docket.

In addition, the City Council may meet in Closed Session immediately following the conclusion of the regular open session meeting on Monday, July 25, 2005. The Closed Session may continue into Tuesday, July 26, 2005.

Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):

CS-1 *Brown Field Aviation Ventures v. City of San Diego, et al.*
San Diego Superior Court, Case Number GIC817232

CDCA assigned: C. Gleeson

This action involves a lease dispute between the City of San Diego, as the owner of the real property at the Brown Field Airport, and two private parties with leasehold interests at the Airport. Plaintiffs' allege that the City has breached the Master Lease by failing to allow Plaintiffs to use the property for non-aviation related uses. In closed session, the City Attorney will update the City Council on the status of the litigation and seek direction on possible settlement of the case.

CS-2 *De Anza Cove Homeowners Association, Inc. v. City of San Diego*
San Diego Superior Court Case No. GIC 821191

DCA assigned: H. Wierman

This matter concerns the litigation filed by the De Anza Cove Homeowners Association against the City of San Diego seeking damages related to expiration of the prior lease and transition of the property from use as a mobile home park to park and recreational use. In closed session, the City Attorney will report on the status of the litigation, and other matters affecting the litigation.

CS-3 *San Diego City Employees' Retirement System v. San Diego City Attorney, et al.*
and related Cross-Action
San Diego Superior Court No. GIC841845

ACA assigned: D. McGrath

This matter is an action filed by the retirement system covering a variety of issues. The matter was stayed pending activity of the City's Audit Committee, but the stay recently expired. The City Attorney filed (but did not serve) a cross-complaint raising a variety of issues and will brief the City Council on the status of the matter in closed session, and request appropriate direction. In addition, the City Council will consider a request from certain of the named cross-defendants that the City provide a defense and indemnification in the case.

CS-4 *William J. McGuigan v. City of San Diego, et al.*
San Diego Superior Court Case No. GIC849883.

ACA assigned: D. McGrath

This lawsuit was filed on behalf of a retired City employee against the City of San Diego requesting that the Court order the City to immediately pay all past unfunded pension liability to the retirement system. In closed session, the City Attorney will brief the City Council on the matter and request appropriate direction.

CS-5 *Michel A. Kozak v. City of San Diego et al*
United States District Court Southern District of California
Case No. 02 cv 2461 WQH (BLM)

DCA assigned: A. Jones

This is a police case brought under U.S.C. section 1983. The City Attorney requests that the Deputy Mayor and City Council consider a possible settlement of the case in closed session.

CS-6 *People of the State of California v. Grissom, et. al*
San Diego Superior Court No. GIC850246

ACA assigned: L. Girard

This matter is an action by the People of the State of California against a number of employees of the City and the retirement system. In closed session the City Council will consider a request by certain of the named individuals that the City provide a defense and indemnification in the case.

Conference with Legal Counsel - anticipated litigation - significant exposure to litigation, pursuant to California Government Code section 54956.9(b):

CS-7 *Barrett American, Inc. v. City of San Diego*

DCA assigned: C. Silva

This case involves an alleged overcharging of fees. In closed session, the City Attorney will brief the Mayor and City Council on the matter and seek direction.

Conference with Legal Counsel - anticipated litigation - initiation of litigation, pursuant to California Government Code section 54956.9(c):

CS-8 **California State University Board of Trustees**

ACA assigned: K. Heumann and DCA C. Silva

This matter involves the SDSU Campus Master Plan Environmental Impact Report [EIR]. The City of San Diego and the Redevelopment Agency of the City of San Diego City are both responsible agencies for purposes of CEQA. The Agencies reviewed the EIR and provided comments on the draft EIR which addressed deficiencies in the EIR. In closed session, the City Attorney will brief the Council on the status of the matter and seek direction from the City Council and Redevelopment Agency.

CS-9   Number of Cases: One or more

ACA assigned: D. McGrath

These matters involve potential action against a variety of individuals or entities for the recovery of money. In closed session, the City Attorney will brief the City Council on the prospects for recovery and request appropriate direction.

CS-10 In re: Regional Water Quality Control Board San Diego Basin Plan

DCA assigned: T. Miller

This matter is a potential appeal to the State Water Resources Control Board regarding the Regional Water Quality Control Board's recent amendment to the San Diego Basin Plan. In closed session, the City Council will be briefed on the matter and give appropriate direction.

Public employment, pursuant to California Government Code section 54957(b)(1):

CS-11 Title: City Clerk